

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of April 2005, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Jeremiah Heaton, District 5
Darvin E. Satterwhite, County Attorney
Judy O. Hollifield, County Administrator
Sherry Swinson, Assistant County Administrator
Sandy Sullivan, Deputy Clerk

The Chairman called the meeting to order and the Deputy Clerk called the roll. Reverend Dargon Lucas led the invocation and the Chairman led in the pledge of allegiance.

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board amended the agenda as follows:

5) County Administrator's Report

Request for appropriation of prior year CIP funds

Award contract to McGuire Woods for Planning Services

7) County Attorney's Report

Water Users Agreement

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| Vote: Mr. Osl - aye | Mr. White - aye |
| Mr. Petty - aye | Mr. Womack - aye |
| Mr. Heaton - aye | |

2. VDOT - Mark McKissick

Mr. McKissick stated that construction continues on Rt. 687. A public hearing on the 6-year plan on primary roads and interstates will be held by video conference on April 19, 2005 in Lynchburg, Virginia. The Revenue Sharing Program has been extended to July 22, 2005. Potholes and general construction is taking place throughout the County.

VDoT is still trying to obtain right-of-ways for Rt. 601, Ashburn Road.

Mr. Osl asked that the potholes at Hamilton Transfer Station be repaired.

Mr. Heaton asked that a sign be put at the end of CA IRA road directing traffic that the road turns to the left.

Mr. White asked if Ashburn road would be conducive to pave in place. Mr. McKissick stated that it might be a possibility.

Mr. Womack asked if VDoT would check on Crowder Road falling under the Rural Rustic Road Program.

Mr. Petty asked that VDOT check on Hunter Trail falling under the Rural Rustic Road Program.

3. Public Hearings - FY 2005-06 Budget, Tax Rates, 5-Year CIP

Mr. George Reid, Jr., School Board Chairman stated that he felt that the School Board and the Board of Supervisors had a productive work session and that the School Board approved the revised budget for the school.

Mr. Thornton, School Superintendent, gave a presentation of the proposed 2005-06 school budget and strategic plan for the school, staff and students.

The County Administrator gave a power point presentation on the proposed budget for 2005-06, tax rates and CIP, which was advertised according to State Code for a hearing on this date.

The Chairman opened the public hearings, which will run concurrently.

There were several speakers with various comments on possible ways to decrease the budget and one speaker who requested that funding to re-install the plaques in the Courthouse be included in the budget.

The Chairman closed the public hearings and stated that the citizens' comments will be considered and the budget will be voted on at the April 19th meeting.

4. Department and Agencies

a) ESCT - Consider resolution to rename/re-charter ESCT

On a motion by Mr. Osl and carried, the Board adopted the following resolution:

RESOLUTION TO RENAME/RECHARTER THE EMERGENCY SERVICES COMMUNICATION TEAM

WHEREAS: On October 12, 2004, the Board of Supervisors established the Emergency Services Communication Team (ESCT),

AND WHEREAS: It was chartered to "advise and make recommendations to the Board on all areas as they relate to emergency services communications",

AND WHEREAS: Its responsibility was identified as "developing a plan (short and long range) for interoperability",

AND WHEREAS: During the course of its work, numerous items have been discussed that were not related to communications,

AND WHEREAS: The ESCT has felt that for the first time a forum exists with the level of support and commitment

essential for the proper functioning of Emergency Services in the County,

AND WHEREAS: It is imperative that these agencies address all issues that result in a more effective delivery of emergency services to citizens as well as visitors to Cumberland,

THEREFORE, BE IT RESOLVED: That the Board of Supervisors desires the ESCT Charter be expanded to address all issues that result in a more effective and efficient delivery of emergency services,

AND FURTHER RESOLVES: To rename the ESCT to the Emergency Services Committee.

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| Vote: Mr. Osl - aye | Mr. White - aye |
| Mr. Petty - aye | Mr. Womack - aye |
| Mr. Heaton - aye | |

5. County Administrator's Report

a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Womack and carried, the Board approved the items (excluding item 4) as presented:

1. Approved minutes for March 2005.
2. Approved bills for April 2005 totaling \$64,827.63 and ratified bills for March 2005 of warrants totaling \$104,462.65 with check numbers ranging from 44257 to 44490. Direct Deposit totaling \$77,704.24.
3. Appropriated to Randolph Fire Department - grant in amount of \$1,000

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| Vote: Mr. Osl - aye | Mr. White - aye |
| Mr. Petty - aye | Mr. Womack - aye |
| Mr. Heaton - aye | |

4. Approve Memorandum of Agreement between County and eVA

It was the consensus of the Board to defer until the April 19, 2005 meeting to allow more time to research the issue to ensure that approving an agreement would not lock the County into purchasing exclusively through eVA.

b) Board recommendations to Circuit Court Judge for appointment to Equalization Board

The County Administrator explained that the Board would soon need to present recommendations for appointments for the Equalization Board. The nominations will have to be approved by the Circuit Court Judge.

c) Appointment to Workforce Investment Board

It was the consensus of the Board to defer action until the next month's meeting. Supervisors encouraged representatives from the business community to consider serving on the Board.

d) Board approval of W&S Advisory Committee by-laws

Mr. Petty requested that any action be deferred until next month's meeting due to members not being present when the by-laws were reviewed. This would give the members that were unable to attend the recent meeting the opportunity to comment on the by-laws before being approved by the Board of Supervisors.

It was the consensus of the Board to defer until next month's meeting.

e) Request for appropriation of prior year CIP Funds

The County Administrator explained that the funds are requested by the Director of Public Works to complete ballfield repairs and projects.

On a motion by Mr. Petty and carried, the Board approved the appropriation of funds not to exceed \$13,253.00 from the CIP fund prior year balance, to FY 04-05, to complete ballfield repairs and projects at the Madison ballfield.

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| Vote: Mr. Osl - aye | Mr. White - aye |
| Mr. Petty - aye | Mr. Womack - aye |
| Mr. Heaton - aye | |

f) Award contract to McGuire Woods for Planning Services

The County Administrator stated that two responses to the RFP had been received for Planning Services and McGuire Woods best suits the needs of the County.

On a motion by Mr. Womack and carried, the Board awarded the contract for Planning Services to McGuire Woods in the amount not to exceed \$14,940.00 for zoning revision, \$10,000.00 for subdivision revision, and an hourly rate of \$170.00 for technical assistance to staff. The amount to update the future land use map is being negotiated.

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| Vote: Mr. Osl - aye | Mr. White - aye |
| Mr. Petty - aye | Mr. Womack - aye |
| Mr. Heaton - nay | |

6. **Assistant County Administrator's Report**

a) Project Updates

The Assistant County Administrator stated that County representatives are going to be traveling to Richmond on Wednesday to join Henrico and Powhatan in the submission of a permitting application to the

Department of Environmental Quality for the County Reservoir Project.

An application was previously submitted to the Tobacco Commission for an additional \$200,000.00 for the Reservoir Project. The County has been notified that all applications have been put on hold indefinitely.

Ms. Swinson commended Piedmont Regional Jail for assisting with litter collection in numerous parts of the County.

Ms. Swinson stated that the County has been awarded an additional \$200,000 towards the streetscape project which will be used towards the museum/vistor's center. The County will soon go to bid on street improvements along the side and to the rear of the Courthouse. Parking upgrades will also be proposed in the bid request.

Everyone is encouraged to participate in Lee's Retreat that will be held on Friday May 13, 2005.

7. County Attorney's Report

- a) Discuss issue of multiple tracts of land which have been billed for tax purposes as one tract

The County Attorney stated the Commissioner of Revenue, Anita French, has recently become aware of multiple parcels of land that have been billed for tax purposes as one tract. Current code states that individual tracts that have been cut from parent tracts are to be billed as individual tracts. However, this rule was not adopted into code until 1991, leaving a number of tracts that were divided prior to the change in code, still being billed as one tract.

The County Attorney stated that he did not feel that the County needs an ordinance to address this issue and feels that the Code would provide sufficient authority to address the issue.

The Commissioner of Revenue, Anita French, stated that she would continue to address such tracts as she became aware of them.

- b) Draft ordinance re: tax relief for emergency personnel

The County Attorney explained the proposed draft ordinance regarding tax relief for emergency personnel.

It was the consensus of the Board to refer this to the Emergency Services Committee for further review.

- c) Discuss discrepancies in the County Code (zoning/subdivision)

The County Attorney met with the Planning Commission to discuss discrepancies in the County Code, and he is working on a draft ordinance.

- d) Information re: bounty on coyotes

The County Attorney stated that according to Virginia State Code, the County could adopt an ordinance to collect a bounty on coyotes.

No action was taken.

- e) Water Users Agreement

The County Attorney explained the proposed emergency ordinance.

On a motion by Mr. White and carried, the Board adopted the following emergency ordinance with the specified rates:

AN ORDINANCE ADOPTING NEW ARTICLE III, "WATER", OF CHAPTER 66, "UTILITIES," OF THE CUMBERLAND COUNTY CODE TO REGULATE THE USE OF THE COUNTY PUBLIC WATER SYSTEM.

WHEREAS, the County of Cumberland anticipates operating a public water system serving the citizens of Cumberland County; and,

WHEREAS, in order to assure the public health, safety and general welfare of the users of the public water system and to properly manage the use and enjoyment of the County's water resources, it is necessary to immediately set rates for the users of public water system in order to satisfy funding requirements needed to construction the water system.

NOW THEREFORE, BE IT ORDAINED, that new Article III, "Water" of Chapter 66, "Utilities," of the Cumberland County Code is hereby adopted as follows:

[Sec. 299. Reserved.]

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 66-300. Water usage rates.

Users of water from the County public water system shall pay County water bills based upon the following rates for each metered unit or structure:

- (a) Residential Rate:
- For the first 2,000 gallons, a \$25.00 minimum monthly fee shall be payable;
 - For any amounts used exceeding 2,000 gallons per month, the user shall pay at a rate of \$4.00 per 1,000 gallons or part thereof.
- (b) Governmental/Educational Users Rate:

- For the first 2,000 gallons, a \$100.00 minimum monthly fee shall be payable;
- For any amounts exceeding 2,000 gallons per month, the user shall pay at a rate of \$15.00 per 1,000 gallons or part thereof.

Effective Date: April 11, 2005 (Effective for 60 days or until a permanent ordinance is adopted.)

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| Vote: Mr. Osl - aye | Mr. White - aye |
| Mr. Petty - aye | Mr. Womack - aye |
| Mr. Heaton - aye | |

8. **Board Members**

Mr. Osl stated that interviews for the Planner position had been held. There were candidates from different Universities. There will be a ribbon cutting ceremony for Streamline Fitness on Saturday. On March 17, 2005 the PPDC passed a resolution to abolish the PPDC effective June 30, 2005 and establish a new organization effective July 1, 2005.

Mr. White stated that the budget process had been very time consuming and that the County is exploring the possibility of hiring Emergency Services personnel during periods that volunteers are not available. Mr. White stated that he is looking forward to Patriot's Day.

Mr. Petty stated that the Meals-on-Wheels program has received 501 C-3 status and hopes to start serving meals by September 2005. The Water and Sewer Advisory Committee will be meeting on the fourth Tuesday of the month at 7:30 p.m. Jerry Giles serves as County Staff for the committee.

Mr. Womack encouraged everyone to participate in Patriot's Day.

Mr. Heaton stated that the County needs development, growth and increased revenue and encouraged everyone to participate in Patriot's Day.

9. **Public Comments**

A citizen stated that there will be a steak dinner held at Oakwood Church on April 29, 2005 and child care will be provided.

10. **Additional Information**

N/A

11. **Adjourn**

The Chairman ordered the meeting recessed until Tuesday, April 19th, 2005 at 9:00 a.m. for adoption of FY 2005-06 budget, 2005 tax rates, CIP for 2005-06 – 2009-10.

Chairman

County Administrator

